UNITED STATES PATENT AND TRADEMARK OFFICE

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER
JOHN, CLARENCE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 January 2009_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-14_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-14_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Status of Claims

1. This action is responsive to amendment filed on January 7, 2009, where the applicant amended claims 1 and 8 -10. Claims 1-14 are pending.

Response to Arguments

2. Applicant's arguments filed on 1/7/2009 have been fully considered but they are not persuasive and do not place the Application in condition for allowance.

3. Regarding Claim 1 (a), the Applicant argues that Riddle does not disclose or suggest about a funnel network element linking first and second physical networks. The applicant also argues that Riddle does not take into consideration this kind of element in the codec selection process and Riddle does not disclose any storage of information about this kind of element.

4. **In reply**, Riddle does disclose about a funnel network element linking first and second physical networks. (Column 7, lines 42-46, Column 8, lines 45-47). Here, a funnel network element which is common to linking first and second network is the **codec ranking** which was selected. Riddle further teaches that the codec selected is used for linking communications between sender and receiver computer. (Column 9, lines 23-29). This means that the information **stored** related to codec allows communication to be linked between the first and the second networks.

5. Regarding Claim 1 (d), the applicant argues that Garakani does not teach selecting a codec depending upon an answer to an address detection message, includes an address of a funnel network.

6. **In reply,** Garakani's teachings alone were never relied upon selecting a codec. Riddle and Garakani combined together teach the above limitation. Riddle teaches selecting a codec depending upon whether an answer includes an address of a funnel network clement. (Riddle's teachings on Column 9, lines 2-6, lines 23-29. Figure 5, step 512. Here, Riddle teaches selecting a codec based on ranking which can be understood by all addressed recipients). Garakani teaches an address detection message. (Garakani's teachings on Column 1, lines 42-44 and lines 49-53. Here, the traceroute program detects the address when a message is sent in the form of data packets to the recipient which is the endpoint device.).

7. Examiner notes that no new matter has been added and that the amended claims are rejected based on the same references as cited by the previous office action.

8. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 103(a) rejections applied against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the time the invention was made to
a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being as being unpatentable

over Riddle (US 6,175,856) in view of Garakani et al. (US 6,587,087).

With respect to Claim 1, Riddle teaches a method in a server in a telecommunication

system for controlling codec selection by the server, said telecommunication system

including: a first physical network (components of the sender computer 601, Figure 6)

and a second physical network (components of the receiver computer 630, Figure 6) ,

and endpoint devices connected to said first and second physical networks, wherein the

networks offer each endpoint device a bandwidth capacity, the method comprising the

steps of:

(a) storing information related to at least one funnel network element that links said first

and second physical networks, (Column 7, lines 42-46, Column 8, lines 45-47. Here, a

funnel network element which is common to linking first and second network is the

codec ranking which was selected. Riddle further teaches that the codec selected is

used for linking communications between sender and receiver computer. Column 9,

lines 23-29);

and imposes bandwidth limitations on communications passing through the funnel

network element, (Column 8, lines 42-45, Figure 5, step 510);

said information including an address associated with said funnel network element;

(Column 9, lines 2-6 and lines 23-25. This shows the address of the recipients).

(b) receiving a communication request from a first one of the endpoint devices, (Column

7, lines 60-64); said request containing a set of advertised codecs for said

communication; (Column 9, lines 2-16. Here, initiation of communication includes set

of codecs).

(d) selecting at least one of said advertised codecs for being used for said

communication, (Column 7, lines 35-36, Column 9, lines 23-29);

With respect to Claim 1 (c) and 1 (d), Riddle teaches the limitations of Claim 1 as

described above.

However, Riddle does not explicitly disclose in his teachings about sending an address

detection message towards said first endpoint device and the address detection

message includes a said address of the network element.

Conversely, Garakani discloses in his teachings about IP path tracing and address

detection by using the traceroute program and ARP protocol which supports the

limitations of claim 1(c), (Garakani's teachings on Column 1, lines 42-44 and lines 49-53, Column 9, lines 23-26. Here, the traceroute program detects the path and the address when a message is sent in the form of data packets to the recipient which is the endpoint device).

and the address detection message includes said address of the network element , (Garakani's teachings on Column 9 - lines 23-26, Page 23 Table C – Column 2. Table C is obtained by ARP protocol through ARP request and ARP response. The response includes the MAC address).

Riddle teaches selecting a codec based upon an answer including an address of a network element. Garakani teaches address detection message and an IP path tracing method in a network. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Garakani with Riddle and modify the teaching of Riddle in order to better manage the devices in a computer network while selecting the best codec based on the address of the endpoint device.

With respect to Claim 2, Riddle and Garakani teach the method of claim 1, wherein said stored information related to the funnel network element further includes information about the bandwidth supported for communications through said funnel network element, (Riddle's teachings on Figure 5, step 510 and Column 8, lines 39-45) and wherein the selection of step (d) further depends on said bandwidth information.

(Riddle's teachings on Figure 5, step 510. The selected codec is common to all recipients in the group. The best codec selected is based on ranking which indicates efficiency, bandwidth and reduction in data word length which are achieved when the corresponding compressor is used).

With respect to Claim 3, Riddle and Garakani teach the method of claim 1, wherein the stored information related to the funnel network element further comprises information about the codecs supported for communication through said funnel network element, (Riddle's teachings on Figure 5, step 508, step 510 and Column 9, lines 23-29. Here, the information stored related to codec allows communication to be linked between the first and the second networks);
and wherein the selection of step (d) further depends on said codec information. (Riddle's teachings on Figure 5, step 512. Here, the codec selected is common to all recipients in the group and is used for linking communications between sender and receiver computer. Also the best codec selected is based on ranking which indicates efficiency, bandwidth and reduction in data word length which are achieved when the corresponding compressor is used).

With respect to Claim 4, Riddle and Garakani teach limitations as described in Claim 1.

However, Riddle does not explicitly state in the method of claim 1, wherein said address detection message is a path-discovery message.

Conversely, Garakani discloses in his teachings about IP path tracing and address

detection by using the traceroute program and ARP protocol which does in fact teach

the above limitation. (Column 1, lines 42-45 and lines 49-53. Here, the traceroute

program discovers the path and the address detection when a message is sent).

See the above discussion in Claim 1.

With respect to Claim 5, Riddle and Garakani teach limitations as described in Claim 4.

However, Riddle does not explicitly state in his teachings the method of claim 4,

wherein said path-discovery message is a TRACEROUTE message.

Conversely, Garakani discloses in his teachings about IP path tracing and address

detection by using the traceroute program and ARP protocol which does in fact teach

that the path discovery message is a traceroute message. (Column 1, lines 42-45 and

lines 49-53. Here, the traceroute program discovers the path and the address detection

when a message is sent).

See the above discussion in Claim 1.

With respect to Claim 6, Riddle and Garakani teach limitations as described in Claim 1.

However, Riddle does not explicitly state in his teachings the method of claim 1, wherein said address detection message is an address-resolution message.

Conversely, Garakani discloses in his teachings about IP path tracing and address detection by using the traceroute program and ARP protocol which does in fact teach that the address detection message is an address resolution message. (Column 9, lines 23-26. Here the address detection message uses the Address Resolution Protocol).

See the above discussion in Claim 1.

With respect to Claim 7, Riddle and Garakani teach the limitations as described in Claim 6.

However, Riddle does not explicitly state in his teachings the method of claim 6, wherein said address detection message is an ARP message.

Conversely, Garakani discloses in his teachings about IP path tracing and address detection by using the traceroute program and ARP protocol which does in fact teach that the address detection message is an ARP message. (Column 9, lines 23-26. Here the ARP message is an address detection message).

See the above discussion in Claim 1.

With respect to Claim 8, Riddle teaches an apparatus for controlling codec selection in a server of a telecommunication system, said telecommunication system including at least a first physical network and a second physical network, a second physical network , and a plurality of endpoint devices connected to said first and second physical networks, each of said physical networks offering each endpoint device a bandwidth capacity, the apparatus including comprising:

(a) a call control processor for receiving a communication request (Column 6, lines 47-48) from a first one of the endpoint devices, (Column 7, lines 60-64); said request containing a set of advertised codecs for said communication; (Column 9, lines 2-16. Here, initiation of communication includes set of codecs).

(b) a database for storing information (Column 6, lines 3-4, Figure 3, storage device 307) related to at least one funnel network element that links said first and second physical networks, (Column 7, lines 42-46, Column 8, lines 45-47. Here, a funnel network element which is common to linking first and second network is the codec ranking which was selected. Riddle further teaches that the codec selected is used for linking communications between sender and receiver computer. Column 9, lines 23-29);

and imposes bandwidth limitations on communications passing through the funnel

network element, (Column 8, lines 42-45, Figure 5, step 510) said information including

an address associated with said funnel network element; (Column 9, lines 2-6 and lines

23-25. This shows the address of the recipients).

said information including at least one address associated with said funnel network

element; (Column 9, lines 2-6 and lines 23-25. This shows the address of the

recipients).

(d) a codec selection unit for selecting at least one of said advertised codecs to be used

for said communication, (Column 7, lines 35-36, Column 9, lines 23-29. Here, the

codec selected is common to all recipients in the group and is used for linking

communications between sender and receiver computer. The best codec selected is

based on ranking which indicates efficiency, bandwidth and reduction in data word

length which are achieved when the corresponding compressor is used);

With respect to Claim 8 (c) and (d), Riddle teaches the limitations of Claim 8 as

described above.

However, Riddle does not explicitly disclose teaching a funnel detection unit sending an

address detection message towards said first endpoint device and the address

detection message includes a said address of the network element.

Conversely, Garakani discloses in his teachings about IP path tracing and address

detection by using the traceroute program and ARP protocol which supports the

limitations of claim 1(c), (Garakani's teachings on Column 1, lines 42-44 and lines

49-53, Column 9, lines 23-26. Here, the traceroute program detects the path and the

address when a message is sent in the form of data packets to the recipient which is the

endpoint device).

and the address detection message includes said address of the network element ,

(Garakani's teachings on Column 9 - lines 23-26, Page 23 Table C – Column 2. Table C

is obtained by ARP protocol through ARP request and ARP response. The response

includes the MAC address).

Riddle teaches selecting a codec based upon an answer including an address of a

network clement. Garakani teaches address detection message and an IP path tracing

method in a network . It would have been obvious to a person of ordinary skill in the

art at the time the invention was made to have combined the teachings of Garakani

with Riddle and modify the teaching of Riddle in order to better manage the devices in a

computer network while selecting the best codec based on the address of the endpoint

device.

With respect to Claim 9, Riddle and Garakani teach the apparatus of claim 8, wherein

said stored information related to the funnel network element further includes

information about the bandwidth supported for communication through said funnel

network element, (Riddle's teachings on Figure 5, step 510 and Column 8, lines 39-45)

and wherein the selection of step (d) further depends on said bandwidth information.

(Riddle's teachings on Figure 5, step 510. The selected codec is common to all

recipients in the group. The best codec selected is based on ranking which indicates

efficiency, bandwidth and reduction in data word length which are achieved when the

corresponding compressor is used).

and wherein the codec selection unit (d) selects at least one of the codecs based on

the bandwidth information. (Riddle's teachings on Figure 5, step 510. . The selected

codec is common to all recipients in the group. The best codec selected is based on

ranking which indicates efficiency, bandwidth and reduction in data word length which

are achieved when the corresponding compressor is used).

With respect to Claim 10, Riddle and Garakani teach the apparatus of claim 8, wherein

the stored information related to the funnel network element further includes information

about the codecs supported for a communication through said funnel network element,

(Riddle's teachings on Figure 5, step 508, step 510. and Column 9, lines 23-29. Here,

the information stored related to codec allows communication to be linked between the

first and the second networks);

and wherein the codec selection unit (d) selects at least one of the codecs based on the

codec information. (Riddle's teachings on Figure 5, step 512. Here, the codec selected

is common to all recipients in the group and is used for linking communications between

sender and receiver computer. Also the best codec selected is based on ranking which

indicates efficiency, bandwidth and reduction in data word length which are achieved

when the corresponding compressor is used).

11. With respect to Claim 11, Riddle and Garakani teach the limitations as described in

Claim 8.

However, Riddle does not explicitly disclose in his teachings about the apparatus of

claim 8, wherein said address detection message is a path-discovery message.

Conversely, Garakani discloses in his teachings about IP path tracing and address

detection by using the traceroute program and ARP protocol which does in fact teach

the above limitation. (Column 1, lines 42-45 and lines 49-53. Here, the traceroute

program discovers the path and the address detection when a message is sent).

See the above discussion in Claim 8.

With respect to Claim 12, Riddle and Garakani teach the limitations as described in

Claim 11.

However, Riddle does not explicitly state in his teachings about the apparatus of claim

11, wherein said path-discovery message is a TRACEROUTE message.

Conversely, Garakani discloses in his teachings about IP path tracing and address

detection by using the traceroute program and ARP protocol which does in fact teach

that the path discovery message is a traceroute message. (Column 1, lines 42-45 and

lines 49-53. Here, the traceroute program discovers the path and the address detection when a message is sent).

See the above discussion in Claim 8.

With respect to Claim 13, Riddle and Garakani teach the limitations as described in Claim 8.

However, Riddle does not explicitly state in his teachings about the apparatus of claim 8, wherein said address detection message is an address-resolution message. Conversely, Garakani discloses in his teachings about IP path tracing and address detection by using the traceroute program and ARP protocol which does in fact teach that the address detection message is an address resolution message. (Column 9, lines 23-26. Here the address detection message uses the Address Resolution Protocol).

See the above discussion in Claim 8.

With respect to Claim 14, Riddle and Garakani teach the limitations as described in Claim 13.

However, Riddle does not explicitly disclose in his teachings about the apparatus of claim 13, wherein said address detection message is an ARP message.

Conversely, Garakani discloses in his teachings about IP path tracing and address detection by using the traceroute program and ARP protocol which does in fact teach that the address detection message is an ARP message. (Column 9, lines 23-26. Here the ARP message is an address detection message).

See the above discussion in Claim 8.

Conclusion

The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and /or priority documents) is implied as being applied to teach the scope of the claims.

Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CLARENCE JOHN whose telephone number is

(571)270-5937. The examiner can normally be reached on Mon - Fri 8:00 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ms. Tonia Dollinger can be reached on 571-272-4170. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CJ/
Patent Examiner
Art Unit 2443
3/5/2009

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2443